

No. PD-1360-17

FILED  
COURT OF CRIMINAL APPEALS  
5/17/2018  
DEANA WILLIAMSON, CLERK

# In the Court of Criminal Appeals of Texas

WALTER FISK,  
*Appellant*

v.

THE STATE OF TEXAS,  
*Appellee*

---

**State's Motion for Leave to File a Reply Brief**

---

NICHOLAS "NICO" LaHOOD  
Criminal District Attorney  
Bexar County, Texas

ANDREW N. WARTHEN  
Assistant Criminal District Attorney  
Bexar County, Texas  
Paul Elizondo Tower  
101 W. Nueva Street  
San Antonio, Texas 78205  
(210) 335-1539  
State Bar No. 24079547  
awarthen@bexar.org

*Attorneys for the State of Texas, Petitioner*

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

Nicholas “Nico” LaHood, Bexar County Criminal District Attorney, and undersigned counsel for the State of Texas respectfully presents this motion for leave to file a reply brief pursuant to Texas Rules of Appellate Procedure 70.4 and 38.3. The State’s reply brief is timely pursuant to Texas Rule of Appellate Procedure 38.6(c).

To expedite the Court’s consideration, the reply brief has been filed contemporaneously with this motion.

**PRAYER FOR RELIEF**

WHEREFORE, the State of Texas prays that the Court of Criminal Appeals grant it leave to file its reply brief.

Respectfully submitted,

Nicholas “Nico” LaHood  
Criminal District Attorney  
Bexar County, Texas

/s/ Andrew N. Warthen

Andrew N. Warthen  
Assistant Criminal District Attorney  
Bexar County, Texas  
Paul Elizondo Tower  
101 W. Nueva Street  
San Antonio, Texas 78205  
Phone: (210) 335-1539  
Email: awarthen@bexar.org  
State Bar No. 24079547

*Attorneys for the State*

## **CERTIFICATE OF COMPLIANCE AND SERVICE**

I, Andrew N. Warthen, Assistant Criminal District Attorney, Bexar County, Texas, hereby certify that a true copy of this Motion was emailed to appellant Walter Fisk's attorney, Michael D. Robbins, Assistant Public Defender, at mrobbins@bexar.org, and to Stacey Soule, State Prosecuting Attorney, at information@spa.texas.gov, on this the 17<sup>th</sup> day of May, 2018.

/s/ Andrew N. Warthen

Andrew N. Warthen  
Assistant Criminal District Attorney

*Attorney for the State*